IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ petition No. 188 of 2007 (S/B)
(old no. 5005 of 1994)

1. State of Uttarakhand through Secretary,
   Public works Department,
   Vidhan Bhawan, Lucknow.
2. Executive Engineer, Nirman Khand,
   Public Works Department, Bageshwar,
   District Almora. ……. (Petitioners)

Versus

1. Sri Mohan Chandra Kanpal
   s/o Sri Badri Dutt Kandpal,
   r/o Badripur Estate, Near Tehsil Bageshwar,
   District Almora. Working as Work Agent
   In the offide of Executive Engineer, construction
   Division, Public Works Department, Bageshwar,
   District Almora.
2. State Public Services Tribunal, U.P.,
   Indira Bhawan, Lucknow ….. Respondents.

……

Sri Subhash Upadhyaya, Brief Holder for the petitioners.
None for respondent no. 1.

JUDGMENT
Coram: Hon'ble Rajeev Gupta, C.J.
Hon' ble J.C.S. Rawat, J.

RAJEEV GUPTA, C.J. (Oral)

Sri Subhash Upadhyaya, Brief Holder for the petitioners.

None for respondent no. 1.

Respondent No. 1-Mohan Chandra Kandpal is reported to have died during the pendency of the writ petition o n 17th September, 1995.

2. Sri Subhash Upadhyaya, the learned Brief Holder, does not dispute that on account of the death of respondent no. 1 – Mohan Chandra Kandpal, during the pendency of the writ petition, and the nature of the directions contained in the impugned judgment permitting respondent no. 1 to continue in service till he actually attains the age of 60 years and the fact

that there was no interim order in the writ petition staying the operation of the Impugned judgment, the writ petition, now, has become infructuous.

3. The writ petition, therefore, is dismissed as infructuous.

(J.C.S. Rawat, J.) **(Rajeev Gupta, C.J.)**
10.12.2007 10.12.2007

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